

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

SUSAN FOX, individually, and  
on behalf of all others similarly situated,

Plaintiff,

v.

TIME, INC., a Delaware Corporation,

Defendant.

Case No. 4:12-cv-14390

Hon. Gershwin A. Drain

**DECLARATION OF SHARON L. SCHNEIER**

Pursuant to 28 U.S.C. § 1746, I, **SHARON L. SCHNEIER**, declare as follows:

1. I am an attorney duly admitted to practice law before this United States District Court and a partner of the firm of Davis Wright Tremaine LLP, counsel for defendant Time Inc. in the above-captioned action. I submit this declaration in support of Time Inc.'s motion to dismiss the complaint brought by Susan Fox pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. This declaration is based on my personal knowledge, except as otherwise indicated.

2. A true and correct copy of the cover and page 2 of the August 13, 2012 issue of *TIME* magazine is annexed hereto as Exhibit A.

3. A true and correct copy of the cover and page 6 of the July/August 2012 issue of *Health* magazine is annexed hereto as Exhibit B.

4. The *TIME* privacy policy is available at [https://subscription.timeinc.com/storefront/privacy/time/generic\\_privacy\\_new.html?dnp-source=E](https://subscription.timeinc.com/storefront/privacy/time/generic_privacy_new.html?dnp-source=E). That privacy policy states:

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5. The *TIME* privacy policy further provides links to “opt-out of any sharing of your personally identifiable offline information” with Time Inc. or third parties, and to “opt-out of any sharing of your email address” with Time Inc. or third parties.

6. The *Health* privacy policy is available at [https://subscription.timeinc.com/storefront/privacy/health/generic\\_privacy\\_new.html?dnp-source=E](https://subscription.timeinc.com/storefront/privacy/health/generic_privacy_new.html?dnp-source=E). That privacy policy states:

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We may use the information you provide about yourself or others to fulfill requests for our publications, products or services, to respond to inquiries about offerings and to offer other products, programs or services that may be of interest.

7. The *Health* privacy policy further provides links to “opt-out of any sharing of your personally identifiable offline information” with Time Inc. or third parties, and to “opt-out of any sharing of your email address” with Time Inc. or third parties.

8. The *Real Simple* privacy policy is available at [https://subscription.timeinc.com/storefront/privacy/realsimple/generic\\_privacy\\_new.html?dnp-source=E](https://subscription.timeinc.com/storefront/privacy/realsimple/generic_privacy_new.html?dnp-source=E). That privacy policy states:

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9. The *Real Simple* privacy policy further provides links to “opt-out of any sharing of your personally identifiable offline information” with Time Inc. or third parties, and to “opt-out of any sharing of your email address” with Time Inc. or third parties.

10. The *This Old House* privacy policy is available at [https://subscription.timeinc.com/storefront/privacy/realsimple/generic\\_privacy\\_new.html?dnp-source=E](https://subscription.timeinc.com/storefront/privacy/realsimple/generic_privacy_new.html?dnp-source=E). That privacy policy states:

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11. The *This Old House* privacy policy further provides links to “opt-out of any sharing of your personally identifiable offline information” with Time Inc. or third parties, and to “opt-out of any sharing of your email address” with Time Inc. or third parties.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 3, 2012.

/s/ Sharon L. Schneier  
Sharon L. Schneier

11752173.1

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Jerusalem Divided / Vapid Campaign By Joe Klein / The Fierce Five

# TIME



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## How to Buy the White House

The GOP Architect's Grand Design

By Michael Crowley

The Decline of the Small Donor

By Michael Scherer

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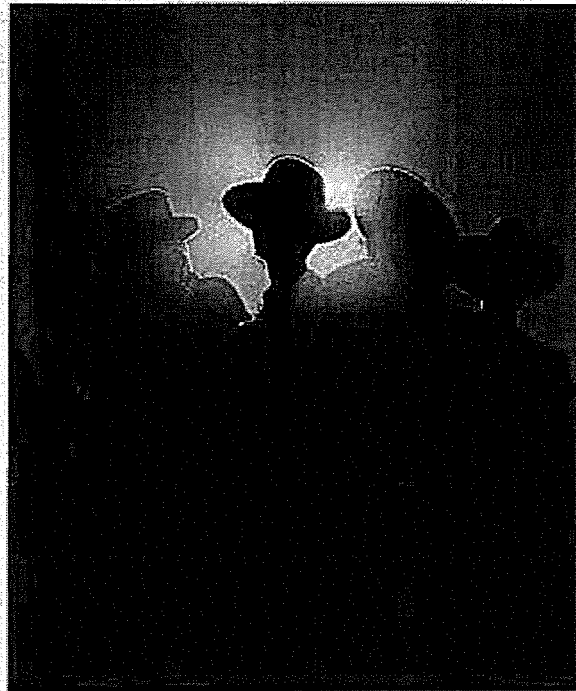
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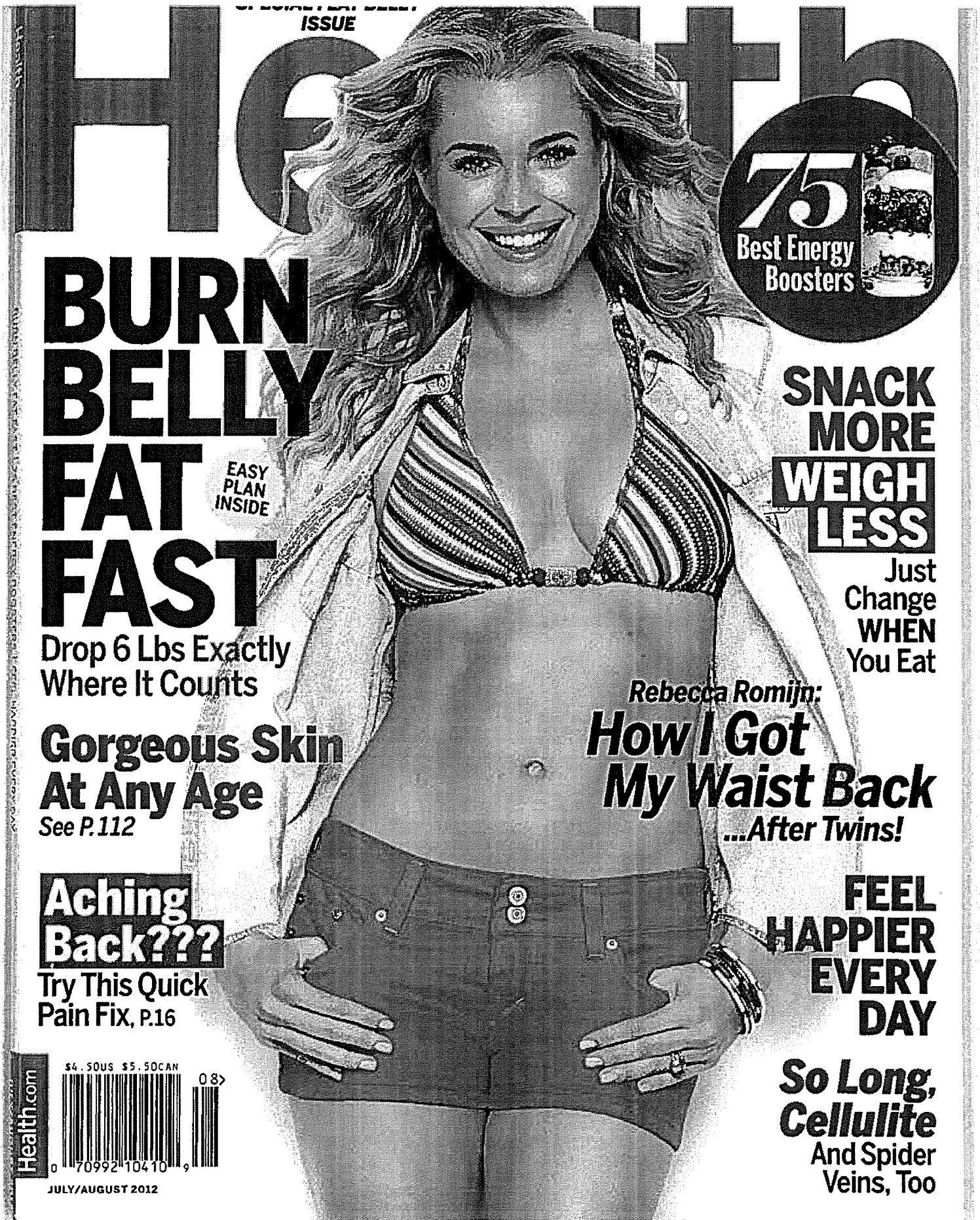
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# EXHIBIT B





ISSUE

**75**  
Best Energy  
Boosters



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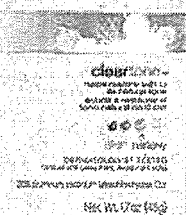
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